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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 JEREMIAH LANCE WINCHESTER,

9 Petitioner,

10 v.

11 OBENLAND, et al.,

12 Respondents.

Case No. C17-1136-RSL-JPD

ORDER APPOINTING THE OFFICE
OF THE FEDERAL PUBLIC
DEFENDER TO REPRESENT
PETITIONER

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14 Petitioner, a state prisoner, seeks the appointment of counsel in this 28 U.S.C. § 2254
15 habeas action. He also has filed a motion to stay and abey while he exhausts his state remedies.

16 While there is no constitutional right to appointment of counsel in actions brought under
17 § 2254, the Court may exercise its discretion to appoint counsel for a financially eligible
18 individual where the “interests of justice so require.” 18 U.S.C. § 3006A; *see also Weygardt v.*
19 *Look*, 718 F.2d 952 (9th Cir. 1983). Because it appeared from the record that appointment of
20 counsel may be warranted in the instant action, the Court referred the matter to the Office of the
21 Federal Public Defender (“FPD”) to determine whether the interests of justice, in fact, require
22 such an appointment. Dkt. 10. On September 28, 2017, the FPD asked for an extension of time
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1 to review petitioner's case. Dkt. 11. On October 10, 2017, the FPD asked to be appointed in this
2 matter. Dkt. 12.

3 Having considered the foregoing, the Court finds and ORDERS:

4 (1) Petitioner's request for appointment of counsel is GRANTED. The Office of the
5 Federal Public Defender and Assistant Federal Public Defender Vicki Lai are appointed to
6 represent petitioner in this matter.

7 (2) The FPD's motion for extension of time, Dkt. 11, is GRANTED.

8 (3) **Within 30 days** of the date this Order is signed, counsel for petitioner shall
9 inform the Court whether she will seek leave to file an amended habeas petition and whether she
10 intends to supplement or withdraw the pending motion to stay and abey. The Court will direct
11 service on respondent after considering petitioner's response to these questions.

12 (4) The Clerk is directed to send copies of this order to petitioner, to the FPD, and to
13 the Honorable Robert S. Lasnik.

14 Dated this 11th day of October, 2017.

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16 JAMES P. DONOHUE
17 Chief United States Magistrate Judge
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